

FISH AND SHELLFISH

16021. Misbranding of Minnesota Lakefish. U. S. v. 100 Cases * * *. (F. D. C. No. 25809. Sample No. 9576-K.)

LIBEL FILED: October 11, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about July 21, 1948, by the Lakefish Canning Co., from Mankato, Minn.

PRODUCT: 100 cases, each containing 48 6½-ounce cans, of Minnesota Lakefish at New York, N. Y. Examination showed that the cans and labels of the product were of the size, style, and arrangement customarily used for tuna fish. The article contained fish of the carp variety.

LABEL, IN PART: (Can) "Minnesota Lakefish Brand Fresh Water Light Meat."

NATURE OF CHARGE: Misbranding, Section 403 (a), the style of labeling and the following label statements were misleading since they suggested that the article was comparable in uses and taste, and had the characteristics, of canned tuna fish, and that it was a new variety of fish, namely, lakefish, whereas the article did not resemble canned tuna fish in taste and other characteristics and was canned carp, a common variety of fresh water fish: "Minnesota Lakefish Light Meat Try this new Minnesota Lakefish * * * Use your favorite Tuna Fish * * * Recipes. Write for Recipe Booklets Novel and different dishes prepared with Minnesota Lakefish. For appetizing Recipes (see other side of label) * * * Can be used in any recipe that calls for Tuna Fish * * *."

Further misbranding, Section 403 (a), the style of labeling and the name "New Minnesota Lakefish Light Meat * * * Use your favorite Tuna Fish * * * Recipes * * * Can be used in any recipe that calls for Tuna Fish" were false and misleading since they represented and suggested that the article was a new variety of fresh water fish comparable in taste and characteristics to light meat tuna fish, whereas the article was a common variety of local fish, namely, carp; and, Section 403 (f), the name of the article "Carp" was not prominently placed on the label with such conspicuousness (as compared with other words, statements, and designs on the label) as to render such name likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: April 19, 1950. The Lakefish Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

16022. Misbranding of canned clams. U. S. v. 347 Cases, etc. (F. D. C. Nos. 28351, 28352. Sample Nos. 30233-K, 30235-K.)

LIBEL FILED: November 23, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about September 7, 1949, by the General Foods Corp., Blue Point Division, W. Sayville, Long Island, N. Y.

PRODUCT: 472 cases, each containing 24 cans, of clams at Los Angeles, Calif.

LABEL, IN PART: "Drained Weight 5 Oz. Net weight 10 Oz. 40-Fathom Minced Clams."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Drained Weight 5 Oz." was false and misleading. (The drained weight was less than 5 ounces.)